



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

JEANETTE BRANHAM,

Petitioner,

vs.

DAWN DAVISON,
Acting Warden,

Respondents.

Case No. EDCV 06-1294-ODW (OP)

ORDER ADOPTING FINDINGS,
CONCLUSIONS, AND
RECOMMENDATIONS OF
UNITED STATES MAGISTRATE
JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, all the records and files herein, and the Report and Recommendation of the United States Magistrate Judge, de novo. The Court concurs with and adopts the findings, conclusions, and recommendations of the Magistrate Judge.

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1 IT IS ORDERED that Judgment be entered: (1) approving and adopting this
2 First Amended Report and Recommendation; and (2) directing that Judgment be
3 entered granting a writ of habeas corpus as follows: The Board shall find Petitioner
4 suitable for parole at a hearing to be held within 30 days of the finality of this
5 decision, unless new, relevant and reliable evidence of her conduct in prison or
6 change in mental status subsequent to the June 2, 2005, parole consideration hearing
7 is introduced that is sufficient to support a finding that Petitioner currently poses an
8 unreasonable risk of danger to society if released on parole; and in the absence of
9 any such new relevant and reliable evidence showing Petitioner's unsuitability for
10 parole, the Board shall calculate a prison term and release date for Petitioner in
11 accordance with California law. Further, if the release date already has lapsed,
12 Respondent shall, within ten days of the Board's hearing, either release Petitioner
13 forthwith if her release date lapsed more than three years earlier, or release Petitioner
14 on parole for that period of her three year parole term that remains if the release date
15 lapsed less than three years earlier.

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18 DATED: 9-22-2009


HONORABLE OTIS D. WRIGHT
United States District Judge

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22 Prepared by:


HONORABLE OSWALD PARADA
United States Magistrate Judge